

In The U.S. District Court For The District Of Delaware

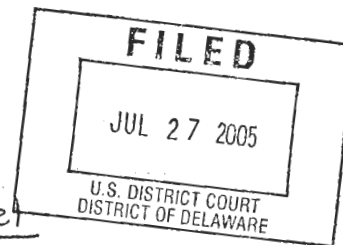
Derious J. Johnson,

Appellant/ Petitioner

versus

Thomas L. Carroll, Warden,  
and M. Jane Brady, Attorney  
General Of Delaware, Appellees

Civ. Act. No. 05-237-KAJ



Motion For Appointment Of Counsel

Under 18 U.S.C. § 3006A, and 21 U.S.C. § 848, representation shall be provided for any financially eligible person who is charged with a felony, is subject to a mental condition hearing under chapter 313 of this title, is entitled to appointment of counsel under the Sixth Amendment to the Constitution, is seeking relief under section 2241, 2254, or 2255 of title 28, and faces loss of liberty in a case and Federal law requires the appointment of counsel.

In support of this motion, the Appellant states that the following is true and correct, to the best of his knowledge and belief:

- 1) Appellant is incarcerated
- 2) Appellant is convicted of a Class A Felony
- 3) Appellant is unskilled in the law
- 4) The administration of the Delaware Correctional Center where the appellant is held, limits the appellant to no time at all to the law library. The only access appellant has to the law library is through the prison mail. Appellant cannot even talk to the law library staff paralegals to get assistance with law books, law journals, periodicals, Supreme Court Reporter Books, Federal Law books, or any law books at all.
- 5) Appointment Of Counsel would serve the best interests of justice in this case.

over →

- 6) Appellant's conviction was established and obtained by a clear violation of the Sixth Amendment's right to be tried before an unbiased jury and juror members of appellant's own race, as established by the Sixth Amendment of the U.S. Constitution, the Delaware Constitution, and upheld by the U.S. Supreme Court decisions of *Batson v Kentucky*, 106 S Ct 1712; *Johnson v California*, 125 S Ct 2140; *Miller-El v Dretke*, 125 S Ct 2317 and the Third Circuit Court Of Appeals decision *Riley v Taylor* 277 F3d 261.
- 7) Appellant's conviction is also a violation of the Due Process Clause of the Fifth Amendment and the Fourteenth Amendment, along with the Equal Protection Clause of the same amendments.

Wherefore, Appellant prays this Honorable Court to appoint Counsel to represent the Appellant.

Date: 7/24/05

*Devious J. Johnson*

Appellant / Defendant  
DCC

1181 Paddock Road  
Smyrna, DE 19977

WM Deliaus J. JOHNSON

SBI# 280324 UNIT 21C-01

DELAWARE CORRECTIONAL CENTER

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SMYRNA, DELAWARE 19977



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STATES

United District Court

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